

# **Restrictions on the Manufacture, Import, and Sale of Personal Care and Cosmetics Products Containing Plastic Microbeads**

## **Overview**

In order to facilitate exfoliation and cleaning, enterprises have commonly added solid plastic microbeads to personal care and cosmetics products based on considerations of product cost and product function and effectiveness. However, since solid plastic microbeads possess the characteristics of small size, small mass, and large quantity, after they are rinsed off, they cannot be effectively collected, removed, or disposed of, and consequently enter water bodies and the environment via the sewage collection system. In the marine environment, the microbeads readily adsorb harmful substances and may accumulate within the bodies of aquatic organisms, causing harm to the environment and ecosystem.

In view of the fact that solid plastic microbeads do not naturally decompose in water bodies or the environment, and their small particle diameter makes them difficult to eliminate, various countries have gradually imposed controls on plastic microbeads contained in products, such as facial cleanser, body wash, and toothpaste. Because plastic microbeads constitute one of the additive components in products, many countries have preferred to adopt restriction at the source, while regulating the microbeads at the product stage, which achieves the goals of effective management and reducing impact on various parties. For instance, the United States completed legislation of the Microbead-Free Waters Act of 2015 on December 28, 2015, and the regulations of the US Federal Food, Drug, and Cosmetic Act have prescribed successive bans on the manufacture, import, and sale of cleansing cosmetics containing plastic microbeads starting from July 1, 2017; France, Canada, and Korea have also begun legislation of controls on personal care products containing plastic microbeads, such as cleaning products, cosmetics, and rinsing cosmetics.

In light of international management trends, and in order to reduce the use of products containing plastic microbeads at the consumer-end by inducing domestic manufacturers to adjust their raw material composition and change to the use of environmentally-friendly substitute materials, and inducing importers to purchase products not containing plastic microbeads, the Environmental Protection Administration, Executive Yuan has accordingly set the *Restrictions on the Manufacture, Import, and Sale of Personal Care and Cosmetics Products Containing Plastic Microbeads* as authorized by Article 21 of the *Waste Disposal Act*; the *Restrictions* prescribe the restriction in stages of the manufacture, import, and sale of personal care and cosmetics products containing plastic microbeads, with the provision of a transition period for the controlled materials; the key points of the *Restrictions* are as follows:

1. In view of the time needed by manufacturers, importers, and vendors to respond, implementation will proceed in 2 stages, and vendors will be given a half-year grace period. (main purpose of Announcement)
2. Definition of the name of the Announcement (Announced Item I)
3. Types of controlled personal care and cosmetics products, and their scope. (Announced Item II)
4. Limitations on the audit of product manufacture, import, and sale (Announced Item III)
5. Time-limited improvement measures imposed when noncompliant products are found (Announced Item IV)

***Restrictions on the Manufacture, Import, and Sale of Personal Care  
and Cosmetics Products Containing Plastic Microbeads***

**Public Announcement**

<b>Announcement</b>	<b>Explanation</b>
<p>Subject:</p> <p>The "Restrictions on the Manufacture, Import, and Sale of Personal Care and Cosmetics Products Containing Plastic Microbeads" with the provisions of sale of Item II taking effect from July 1, 2018, and the remaining provisions taking effect from January 1, 2018.</p>	<ol style="list-style-type: none"> <li>1. Name of Announcement and date of implementation.</li> <li>2. At present, most personal care products containing added plastic microbeads on the market take the form of shampoo products, bathing products, facial cleansing products, soaps, facial scrubs, and toothpaste; the first four of these product types are regulated by Taiwan's management law, the <i>Statute for Control of Cosmetic Hygiene</i>. Because these regulations will affect the rights and interests of enterprises handling products subject to the <i>Statute for Control of Cosmetic Hygiene</i>, to clarify those subject to the regulations in this announcement, the summary refers to both cosmetics and personal care products.</li> <li>3. In view of environmental public interest and the rights of manufacturers and importers who have received a "medicated cosmetics permit" from the Ministry of Health and Welfare prior to the date this Announcement takes effect, and in view of the time needed to adopt response measures in conjunction with this Announcement, and the need for a reasonable transition period of at least 6 months after the announcement and implementation of the World Trade Organization's Technical Barriers to Trade (TBT) agreement, it is accordingly specified that personal care and cosmetics products</li> </ol>

	<p>containing plastic microbeads may not be manufactured or imported beginning on January 1, 2018; this will provide manufacturers and importers a transition period of at least 16 months from the date of the pre-announcement of this Draft on August 23, 2016.</p> <p>4. In view of the time needed to sell those personal care and cosmetics products containing plastic microbeads that have been manufactured and imported legally prior to the date this Announcement takes effect, in reference to the approach and control schedule adopted by the first nation imposing legislative controls, the United States, and an evaluation of the proposed laws and methods associated with the controls that France, Canada, and Korea will impose starting in 2018 in reference to the plastic microbeads control methods adopted by the United States, it is hereby specified that the second stage of controls will take effect ahead of time from July 1, 2018, at which time full-scale control will be achieved by the prohibition of the sale of personal care and cosmetics products containing plastic microbeads. The time from the draft advance notice on August 23, 2016 will provide vendors with a grace period equivalent to 22 months in length.</p>
<p>Basis: <i>Article 21, Waste Disposal Act</i></p>	<p>Legal basis.</p>
<p>Announced items: I. Terms used in this Official Announcement are defined as follows: A. “Cosmetics” means those products termed cosmetics in the <i>Statute for Control of Cosmetic Hygiene</i>. B. “Personal care products” means those products used for cleaning one's body, and</p>	<ol style="list-style-type: none"> <li>1. Definition of terms used in this Announcement.</li> <li>2. The definitions of cosmetics are in accordance with the regulations of Article 3 of the <i>Statute for Control of Cosmetic Hygiene</i>, which is the governing law</li> </ol>

<p>which must be cleaned off or rinsed off with water after use.</p> <p>C. "Facial scrub" means those preparations in liquid, paste, cream, or gel form containing microbeads and used for the functions of skin exfoliation or cleaning.</p> <p>D. "Toothpaste" means products generally used to protect the surface of people's teeth and surrounding tissue, specifically semi-solid or powder blended products that take the form of a paste, cream, or gel.</p> <p>E. "Plastic microbeads" means solid plastic particles used for exfoliation or cleaning of the body wherein the scope of particles diameter is smaller than 5 mm, and the material of which they are made includes biodegradable plastic.</p> <p>F. "Manufacturer" means an enterprise that engages in the manufacture of personal care or cosmetics products.</p> <p>G. "Importer" means a business that engages in the importation of personal care or cosmetics products.</p> <p>H. "Vendor" means a business that engages in the sale (including wholesaling, retailing, or presentation as gifts or prizes, etc.) of personal care or cosmetics products.</p>	<p>concerning cosmetics in Taiwan, and the types and scopes of cosmetics party in accordance with the central health competent authority's relevant announcements.</p> <p>3. The definition of personal care products reflects the fact that facial scrub and other controlled product items can be wiped off or rinsed off with water after use, and some wiping actions are performed using materials that can be repeatedly washed, such as towels; such materials will require washing to facilitate subsequent use, and plastic microbeads may still enter bodies of water as a consequence. Accordingly, the definition specifies wiping or rinsing with water.</p> <p>4. The definition of toothpaste is in accordance with the regulations of <i>Chinese National Standards</i> (CNS) 15492.</p> <p>5. The definition of plastic microbeads is adopted from the United States' <i>Microbead-Free Waters Act</i> of 2015, which contains the definition: the term 'plastic microbead' means any solid plastic particle that is less than five millimeters in size and is intended to be used to exfoliate or cleanse the human body or any part thereof.</p> <p>6. The "plastic" material in plastic microbeads also includes biodegradable materials (international plastic material identification code 7), which is specified in the definition to ensure that it is not erroneously assumed that biodegradable materials are not plastic materials, and facilitate awareness and compliance on the part of enterprises and the public.</p>
<p>II. Apart from those enterprises already manufacturing or importing the following cosmetic and personal care products containing plastic microbeads as of August</p>	<p>1. Types of personal care and cosmetics products containing plastic microbeads controlled pursuant to this Announcement</p>

<p>23, 2016, manufacturers, importers, and vendors may not manufacture, import, or sell such products:</p> <ul style="list-style-type: none"> <li>A. Cosmetics used for washing hair, cosmetics used for bathing, cosmetics used for face-washing, and soap as defined in relevant provisions of the <i>Statute for Control of Cosmetic Hygiene</i>.</li> <li>B. Facial scrub.</li> <li>C. Toothpaste.</li> </ul>	<p>and scope of controlled items.</p> <ul style="list-style-type: none"> <li>2. This Announcement specifies the types of cosmetics and personal care products whose manufacture, import, and sale are restricted in accordance with the "List of Cosmetic Scope and Types" (revised on February 3, 2017) announced under authorization in Article 3 of the <i>Statute for Control of Cosmetic Hygiene</i>, and also includes those cosmetics used for washing hair, cosmetics used for face washing and makeup removal, cosmetics used for bathing, soaps, facial scrub, and toothpaste to which plastic microbeads may be added under the scope of control.</li> <li>3. The control of products containing plastic microbeads is an emerging international issue. The first country to impose legislative controls on such products was the United States, which completed relevant legislation on December 28, 2015. The ROC will control the manufacture and import of such products starting on January 1, 2018, which will reduce the quantity of such products at the source. In view of the fact that this Announcement has only provided advance notice since August 23, 2016 that products containing plastic microbeads will be subject to controls in 2018, those enterprises manufacturing or importing such products prior to August 23, 2016 will be excluded from the scope of control.</li> </ul>
<p>III. The competent authority may dispatch personnel (carrying identification documents) to enter manufacturer's, importer's or vendor's premises to inspect the manufacturing, importation or vending of the foregoing personal care or cosmetics products, and may request each product and relevant information, and the manufacturer,</p>	<ul style="list-style-type: none"> <li>1. The competent authority may enter operating premises in order to perform audits and sampling inspection of the state of manufacture, import, and sale of personal care and cosmetics products.</li> <li>2. With regard to sampling and testing for the</li> </ul>

<p>importer or vendor may not refuse, seek to evade, or obstruct such inspection.</p>	<p>presence of plastic microbeads in personal care and cosmetics products, as a rule, enterprises must provide up to a limit of three samples needed for testing; of these samples, one shall be used to provide a basis for legal enforcement in connection with the current inspection, another may be used for re-testing, and the competent authority shall preserve one sample in order to avoid subsequent disputes. However, if the amount of a sample is excessively small, and is insufficient for testing, the competent authority may require an enterprise to provide a sufficiently large sample to meet sample testing needs.</p>
<p>IV. When the competent authority's random inspection and testing of personal care and cosmetics products whose manufacture, import, or sale is restricted finds the presence of plastic microbeads, the competent authority may require the manufacturer, importer, or to remove the products from sale, recall the products, or return the products within a specified time limit.</p>	<p>Regulations governing improvement within a limited time period if sample testing discovers controlled personal care and cosmetics products.</p>